

WILLIAM B. CAREY, 8212160  
Attorney for Defendant  
SUSAN C. MCKITRICK  
1502 West 34th Avenue  
Anchorage, Alaska 99503

Telephone: (907) 272-4255  
Facsimile: (907) 272-4256

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SUSAN C. MCKITRICK,

Defendant.

Case No. J05-0004-4 (HRH)

**SENTENCING MEMORANDUM OF DEFENDANT SUSAN C. MCKITRICK**

SUSAN C. MCKITRICK has pled guilty to one count of conspiracy to distribute and possess with intent to distribute 50 grams or more of methamphetamine and 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine. Ms. MCKITRICK's criminal history category has been properly set at Category II, based primarily on her conviction in 1997 on State drug charges.

Ms. MCKITRICK became involved in this conspiracy through her acquaintance with Ronn L. Roseberry, the leader of the group. By her own admission given to police upon their first contact with her in May, 2005, Ms. MCKITRICK received at least one package of methamphetamine consisting mainly of approximately four ounces or distribution in Ketchikan in 2004. Subsequently, she and Mr. Roseberry had a falling out. In late 2004 Ms. MCKITRICK began a program with Gateway Center for Human Services. She was attempting to deal with her drug

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BEST SCANNED  
IMAGE AVAILABLE

addiction. In December, 2004, and January 2005, Ms MCKITRICK tested clean for the use of amphetamines and other drugs. Copies attached as Exhibit A. She had essentially removed herself from Mr. Roseberry's operation, although she maintained acquaintances with some of her co-defendants, in particular, Betty Duvall, who had essentially taken over the distribution operation in Ketchikan.

On May 14, 2005, Betty Duvall picked up a package containing a substantial amount of methamphetamine which had been sent by Mr. Roseberry. Ms. Duvall happened to come, uninvited, to Ms. MCKITRICK's residence at the Gilmore Hotel that date and was followed by law enforcement officers. Ms. MCKITRICK had fallen back into her methamphetamine use and had something on the order of five plus grams of the substance in her possession in her room.

All other drugs found on that date, as set out on page 8 of the pre-sentence report, were drugs that had been carried over by Betty Duvall, of which Ms. MCKITRICK was not aware. It is the defendant's position that Ms. MCKITRICK should not be held responsible, as relevant conduct, for the first three items listed in paragraph 44 of the pre-sentence report, namely, 254.3 grams of methamphetamine along with the money seized from Ms. Duvall, (\$8020.00).

There is nothing in the police reports or other investigatory materials perceived by the defendant which otherwise indicate that she was actively involved in the conspiracy in May, 2005.

Ms. MCKITRICK's statements to the police at the time of her arrest, as well as approximately a month later and subsequently in the presence of counsel during a debriefing at the Juneau police department have all been consistent, thorough and complete. She has admitted her involvement in this group, including bringing up

incidents in 2004 which might have otherwise been difficult for the Government to prove. It is the defendant's position that the offense level was properly calculated in the plea agreement in this matter, something that she came to rely on. That is a base offense level of 32, for within 50 and 150 grams of methamphetamine (actual).

Ms. MCKITRICK further argues that her overall offense level should be adjusted downward two levels for her status as a minor participant under U.S.S.G. § 3B1.2. She is less culpable than the average defendant because she had essentially withdrawn from this conspiracy. She was a user who had maintained her personal contacts, but not business contacts with other members of the conspiracy, not including the head of the conspiracy, Mr. Roseberry. Police reports indicate that Mr. Roseberry himself indicated that Ms. MCKITRICK had been involved in 2004, but not thereafter.

With a base offense level of 32 and reductions of three levels for acceptance of responsibility and an additional two levels for a minor role, Ms. MCKITRICK's base offense level should be set at 27, with a criminal history category II, a sentencing range of 78 to 97 months.

Of course, Ms. MCKITRICK is not safety valve eligible and therefore continues to face a ten year statutory mandatory minimum term of imprisonment. In this regard, the defendant does have some expectation of a 5K1 motion for substantial assistance to be filed by the government. Again, she has been thorough and prompt in her debriefings. Her information has no doubt played a role in the decision of Mr. Roseberry to change his plea and, it is believed, in certain charges being made against Ms. Duvall for activities of hers while out on release. Ms. MCKITRICK has done her best to give the government whatever information she has on ongoing activity in

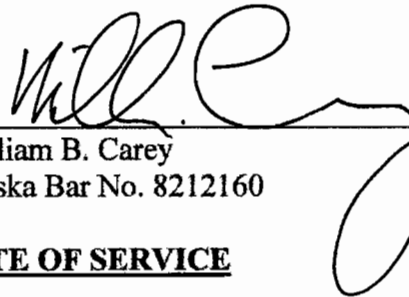
Ketchikan.

Lastly, it should be noted that Ms. MCKITRICK's performance while on release has been exemplary. She has been mature in her acceptance of responsibility and her own situation in this matter. Defendant understands that a motion for substantial assistance is entirely at the discretion of the United States Attorney. Another comment is the defendant's position that an additional two level reduction would be appropriate under these circumstances and in consideration of 18 U.S.C. § 3553(a).

The Court should note that Ms. MCKITRICK is amenable to a 500 hour drug treatment program would ask the Court for a recommendation for admission into such a program.

DATED at Anchorage, Alaska this 3 day of January, 2006.

LAW OFFICE OF WILLIAM B. CAREY  
Attorney for Defendant  
SUSAN C. MCKITRICK

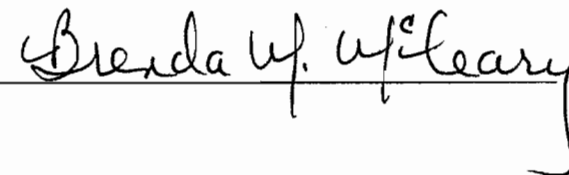
  
William B. Carey  
Alaska Bar No. 8212160

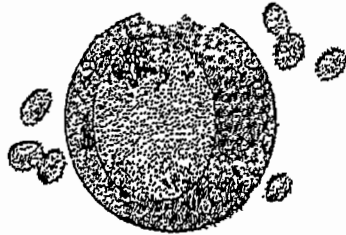
**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of January, 2006, a true and correct copy of the foregoing was hand delivered to the following:

U.S. Attorney  
222 West 7<sup>th</sup> Ave, #9 Room 253  
Anchorage AK 99513-7567

Pam Shaw  
United States Probation Officer  
222 W 7<sup>th</sup> Ave, #48, Rm. 168  
Anchorage AK 99513-7562





CLINICAL REFERENCE  
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DATE: 18-FEB-2005  
TIME: 12:20  
NUMBER OF PAGES: 3 ( Not including this cover sheet )  
  
FROM: CRL Auto Transmission  
COMPANY: Clinical Reference Laboratory  
ADDRESS: 8433 Quivira Road  
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VOICE PHONE #: (800) 445-6917  
  
TO: ANITA HALL  
COMPANY: GATEWAY CNTR HUMAN SRV.  
ADDRESS: 3050 FIFTH AVE.  
KETCHIKAN, AK 99990  
  
NUMBER DIALED: 1-907-247-4135  
  
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Exhibit A  
Page 1 of 14



File 36-58

Due McKittrick

18-Feb-2005

Clinical Reference Laboratory

12:19

CLIA #17D0667123 SAMHSA #0007 CAP #30211-01

PHARMICHEM INC  
DAVID LATTANZIO  
2411 E LOOP 820 N  
BLDG 21  
FORT WORTH, TX 76118  
PH: (817) 886-5151  
COLL. SITE ID: N/S

NAME: N/S  
DOB: N/S  
SSN: MS648690  
GENDER: N/S  
SLIP ID: 0270572419  
REF ID: 587600002  
REFERENCE 1: GATEWAY CNTR HUMAN SRV.  
REFERENCE 2:

SAMPLE ID: 55531353  
COLLECTED: 01/25/05  
RECEIVED: 02/16/05  
COMPLETED: 02/18/05  
FAX: (817) 886-5185

REASON FOR TESTING: OTHER  
SAMPLE TYPE: DRUG SCREEN ( 5 PANEL)

THIS SPECIMEN HAS BEEN HANDLED AND ANALYZED IN ACCORDANCE WITH FORENSIC REQUIREMENTS. ALL POSITIVE RESULTS ARE CONFIRMED BY A MASS SPECTROMETRIC TECHNIQUE.

INITIAL TEST	RESULT / STATUS	CUTOFF VALUE
AMPHETAMINE, SWEAT	..... NEGATIVE	.....
OPIATES, SWEAT	..... NEGATIVE	.....
COCAINE METABOLITE, SWEAT	..... NEGATIVE	.....
PCP, SWEAT	..... NEGATIVE	.....
THC, SWEAT	..... NEGATIVE	.....

LAB DIRECTOR: S. C. Kammerer, PhD, RP

ELECTRONICALLY REVIEWED BY EDDIE L. KELLY

Exhibit A  
Page 2 of 14

02/18/2005

Clinical Reference Laboratory

12:20

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Summary of Result SID's Sent

55531354

55531353

[ End of List ]

Total SID's Sent: 2

Exhibit A  
Page 3 of 14

*Sue rektuck*

*36-58*

03-Feb-2005

Clinical Reference Laboratory  
CLIA #17D0667123 SAMHSA #0007 CAP #30211-01

13:39

PHARMICHEM INC  
DAVID LATTANZIO  
2411 E LOOP 820 N  
BLDG 21  
FORT WORTH, TX 76118  
PH: (817) 605-6602  
COLL. SITE ID: N/S

NAME: M, SUE  
DOB: N/S  
SSN: MS 648690  
GENDER: N/S  
SLIP ID: 0270572421  
REF ID: 587600002  
REFERENCE 1: GATEWAY CNTR HUMAN SRV.  
REFERENCE 2:

SAMPLE ID: 55536096  
COLLECTED: 01/18/05  
RECEIVED: 02/01/05  
COMPLETED: 02/03/05  
FAX: (817) 605-6402

REASON FOR TESTING: OTHER  
SAMPLE TYPE: DRUG SCREEN ( 5 PANEL)

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INITIAL TEST	RESULT / STATUS	CUTOFF VALUE
AMPHETAMINE, SWEAT	..... NEGATIVE	-----
OPIATES, SWEAT	..... NEGATIVE	
COCAINE METABOLITE, SWEAT	..... NEGATIVE	
PCP, SWEAT	..... NEGATIVE	
THC, SWEAT	..... NEGATIVE	

LAB DIRECTOR: S. C. Kammerer, PhD, RP

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02/03/2005

Clinical Reference Laboratory

16:03

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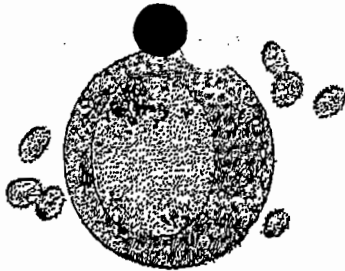
Summary of Result SID's Sent

55536096

[ End of List ]

Total SID's Sent: 1

File 36-58



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Sue  
McKittrick

DATE: 31-JAN-2005  
TIME: 11:00  
NUMBER OF PAGES: 3 ( Not including this cover sheet )  
  
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COMPANY: Clinical Reference Laboratory  
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VOICE PHONE #: (800) 445-6917  
  
TO: ANITA HALL  
COMPANY: GATEWAY CNTR HUMAN SRV.  
ADDRESS: 3050 FIFTH AVE.  
KETCHIKAN, AK 99990  
  
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Exhibit A  
Page 6 of 14

FAXSR: Clinical Ref. Lab At 3 005 11:00 Page 1

31-Jan-2005

Clinical Reference Laboratory

10:59

CLIA #17D0667123 SAMHSA #0007 CAP #30211-01

PHARMICHEM INC  
DAVID LATTANZIO  
2411 E LOOP 820 N  
BLDG 21  
FORT WORTH, TX 76118  
PH: (817) 605-6602  
COLL. SITE ID: N/S

NAME: MS648690  
DOB: N/S  
SSN: A000926060  
GENDER: N/S  
SLIP ID: 0270405332  
REF ID: 587600002  
REFERENCE 1: GATEWAY CNTR HUMAN SRV.  
REFERENCE 2:

SAMPLE ID: 55534311  
COLLECTED: 12/30/04  
RECEIVED: 01/26/05  
COMPLETED: 01/31/05  
FAX: (817) 605-6402

REASON FOR TESTING: OTHER  
SAMPLE TYPE: DRUG SCREEN ( 5 PANEL)

THIS SPECIMEN HAS BEEN HANDLED AND ANALYZED IN ACCORDANCE WITH FORENSIC REQUIREMENTS. ALL POSITIVE RESULTS ARE CONFIRMED BY A MASS SPECTROMETRIC TECHNIQUE.

INITIAL TEST	RESULT / STATUS	CUTOFF VALUE
AMPHETAMINE, SWEAT	..... NEGATIVE	.....
OPIATES, SWEAT	..... NEGATIVE	.....
COCAINE METABOLITE, SWEAT	..... NEGATIVE	.....
PCP, SWEAT	..... NEGATIVE	.....
THC, SWEAT	..... NEGATIVE	.....

LAB DIRECTOR: S. C. Kammerer, PhD, RP

ELECTRONICALLY REVIEWED BY EDDIE L. KELLY

File - 36-58  
Jue McKittrick

31-Jan-2005

Clinical Reference Laboratory  
CLIA #17D0667123 SAMHSA #0007 CAP #30211-01

10:59

PHARMICHEM INC  
DAVID LATTANZIO  
2411 E LOOP 820 N  
BLDG 21  
FORT WORTH, TX 76118  
PH: (817) 605-6602  
COLL. SITE ID: N/S

NAME: MS648690  
DOB: N/S  
SSN:  
GENDER: N/S  
SLIP ID: 0270405331  
REF ID: 587600002  
REFERENCE 1: GATEWAY CNTR HUMAN SRV.  
REFERENCE 2:

SAMPLE ID: 55534312  
COLLECTED: 01/07/05  
RECEIVED: 01/26/05  
COMPLETED: 01/31/05  
FAX: (817) 605-6402

REASON FOR TESTING: RANDOM  
SAMPLE TYPE: DRUG SCREEN ( 5 PANEL)

THIS SPECIMEN HAS BEEN HANDLED AND ANALYZED IN ACCORDANCE WITH FORENSIC REQUIREMENTS. ALL POSITIVE RESULTS ARE CONFIRMED BY A MASS SPECTROMETRIC TECHNIQUE.

INITIAL TEST	RESULT / STATUS	CUTOFF VALUE
AMPHETAMINE, SWEAT	..... NEGATIVE	-----
OPIATES, SWEAT	..... NEGATIVE	
COCAINE METABOLITE, SWEAT	..... NEGATIVE	
PCP, SWEAT	..... NEGATIVE	
THC, SWEAT	..... NEGATIVE	

LAB DIRECTOR: S. C. Kammerer, PhD, RP

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01/31/2005

Clinical Reference Laboratory

11:00

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Summary of Result SID's Sent

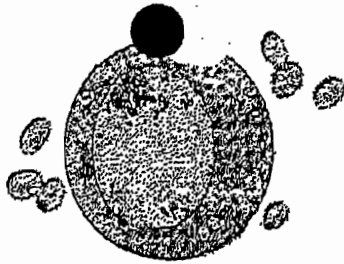
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55534312

[ End of List ]

Total SID's Sent: 2





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File-3658  
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DATE: 13-JAN-2005  
TIME: 14:15  
NUMBER OF PAGES: 2 ( Not including this cover sheet )  
  
FROM: CRL Auto Transmission  
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ADDRESS: 8433 Quivira Road  
Lenexa, Kansas 66215  
  
VOICE PHONE #: (800) 445-6917  
  
TO: ANITA HALL  
COMPANY: GATEWAY CNTR HUMAN SRV.  
ADDRESS: 3050 FIFTH AVE.  
KETCHIKAN, AK 99990  
  
NUMBER DIALED: 1-907-247-4135  
  
SUBJECT: ALL Client Result Reports

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in  
Book  
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FAXSK: Clinical Ref. Lab At 13-JAN-2005 14:15 Page 1

13-Jan-2005

Clinical Reference Laboratory  
CLIA #17D0667123 SAMHSA #0007 CAP #30211-01

14:13

PHARMICHEM INC  
DAVID LATTANZIO  
2411 E LOOP 820 N  
BLDG 21  
FORT WORTH, TX 76118  
PH: (817) 605-6602  
COLL. SITE ID: N/SNAME: N/S  
DOB: N/S  
SSN: MS648690  
GENDER: N/S  
SLIP ID: 0270405329  
REF ID: 587600002  
REFERENCE 1: GATEWAY CNTR HUMAN SRV.  
REFERENCE 2:SAMPLE ID: 55533347  
COLLECTED: 12/23/04  
RECEIVED: 01/11/05  
COMPLETED: 01/13/05  
FAX: (817) 605-6402REASON FOR TESTING: OTHER  
SAMPLE TYPE: DRUG SCREEN ( 5 PANEL)

THIS SPECIMEN HAS BEEN HANDLED AND ANALYZED IN ACCORDANCE WITH FORENSIC REQUIREMENTS. ALL POSITIVE RESULTS ARE CONFIRMED BY A MASS SPECTROMETRIC TECHNIQUE.

INITIAL TEST	RESULT / STATUS	CUTOFF VALUE
AMPHETAMINE, SWEAT	..... NEGATIVE	-----
OPIATES, SWEAT	..... NEGATIVE	
COCAINE METABOLITE, SWEAT	..... NEGATIVE	
PCP, SWEAT	..... NEGATIVE	
THC, SWEAT	..... NEGATIVE	

LAB DIRECTOR: S. C. Kammerer, PhD, RP

ELECTRONICALLY REVIEWED BY EDDIE L. KELLY

PHARMCHEM INC.  
4600 N. Beach Street, Haltom City, TX, 76137

LABORATORY  
REPORT

=====

ACCOUNT NUMBER: 587600002 BARCODE NUMBER: 0270091126

RESULTS TO: SPECIMEN ID: MS3211  
ATT: Gateway Cntr Human Srv. SPECIMEN ID:  
Gateway Cntr Human Srv. SPECIMEN DATE: 06/10/2003  
3050 Fifth Ave. TEST TYPE: 05  
Ketchikan, AK 999901 LOCATION CODE:

Anita Hall  
ACCESSION NUMBER: 012442447  
DATE RECEIVED: 07/08/2003  
DATE REPORTED: 07/08/2003

=====

TEST METHODS AND DETECTION LEVELS

Drug or Drug Class	Initial Test		Confirmation Test	
	Method	CutOff	Method	CutOff
Amphetamine.	EIA	10 ng/ml	GC/MS	10 ng ml n
Cannabinol.	EIA	1.5 ng/ml	GC/MS	0.5 ng ml
Cocaine.	EIA	10 ng/ml	GC/MS	10 ng ml n
Opiates.	EIA	10 ng/ml	GC/MS	10 ng ml n
Phencyclidine.	EIA	7.5 ng/ml	GC/MS	7.5 ng ml

=====

TEST RESULTS

Drug or Drug Class/ Analyte	Test Result	Drug or Drug Class/ Analyte	Test Result
Amphetamine.		Opiates.	
Amphetamine	negative	Codeine	negative
Methamphetamine	negative	Morphine	negative
Cannabinol.		6-MAM	negative
9-THC	negative	Heroin	negative
Cocaine.		Phencyclidine.	
Benzoyllecgonine	negative	Phencyclidine	negative
Cocaine	negative		

SPECIMEN SEAL INTACT.

COMMENTS:

\*\*\*\*\*  
\* TEST RESULT \*  
\* NEGATIVE \*  
\*\*\*\*\*

I certify that the specimen identified by this accession number is the same specimen that bears the specimen identification barcode number set forth above, that the specimen has been examined upon receipt, handled and analyzed in accordance with applicable requirements, and that these results are for that specimen. This is not an official report for Regulated Specimens.

Results Certified by: Cheryl Carella

Date: 07/08/2003

Exhibit A  
Page 12 of 14

**Gateway Center for Human Services  
Substance Abuse Division  
Case Staffing/Treatment Plan Review**

**Date:** 02/28/05

**Client Name:** Sue McKittrick

**Client#:** 25389

**File#:** ~~36-58~~

**Current Diagnosis:** 304.40 Amphetamine Dependency- Moderate

**Treatment Summary:** This client is currently enrolled in the outpatient treatment program. She is a self referral due to her desire to meet the requirements of having one of her sons come live with her in the summer. The client has been attending individual counseling sessions and wearing the drug patch. Since her enrollment she has had all negative results from her patches. She is currently employed at the Gilmore, as a housekeeper. She has had some high stress lately due to leaving her "boyfriend" due to his relapse. She is highly motivated.

1. **New assessments reviewed:** N/A
2. **Changes in diagnosis:** None
3. **Progress toward goals:**
  1. Remain Abstinent: Currently abstinent, wearing drug patch
  2. Address medical issues: Client has appointment for complete physical
  3. Stabilize finances and employment: The client is currently employed and seeking adequate housing for herself.
  4. Child placement issues. The client is in the process of adequately proving she is able to take care of herself and provide a safe environment for her son.
4. **Any changes recommended to present interventions or goals(including frequency or duration.)** No changes recommended at this time.
5. **Recommended changes to individual providers:** No changes recommended at this time.
6. **Expected duration of recommended changes:** N/A

7. Treatment plan examined for least restrictive setting: Yes, adequate

8. Current dimensions meet current level of care: Yes, see the following.

**ASAM- Level 1 Outpatient treatment program**

**Dim: 1**

**Drug Use:** The client is stable and at no risk for withdrawals

**Dim: 2**

**Physical:** None

**Dim: 3**

**Emotional** None, the client is stable.

**Dim: 4**

**Resistance** The client is currently attending her treatment sessions. She is willing to explore the impact of her use on her life and pursue recovery as a lifestyle.

**Dim: 5**

**Relapse** The client is learning skills to change her pattern of use, she is gaining insight into her relapse history, cravings and triggers. She is working in the Living in Balance program.

**Dim: 6**

**Environment** The client has been on and off with her SO. He is not safe for her to cohabitate with. She does not have the finances at this time to get her own apartment but is working on it. She is currently staying with a "clean" friend. She knows by experience, the danger in going back to her SO. But that is a concern for her at this time.

9. **Prognosis:** Good-The client is a determined person, she wants very much to have her son, and be "a mom" again. This is a deep desire for her.

*Client left TX*

Client signature

Date

*Shirley Hall coc-T*

Counselor signature

*02/20/05*

Date

*Greg Muth CT*

Treatment team signature

*3-16-05*

Date

*Janet Gibson*

Treatment team signature

*3-16-05*

Date

Exhibit *A*

Page *14* of *14*